

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY, *et al.*,

Plaintiffs,

-against-

MARK MIRVIS, *et al.*,

Defendants.

08-CV-4405 (SLT) (PK)

**NOTICE OF
PLAINTIFFS' MOTION TO TURN OVER
PROPERTY OF JUDGMENT DEBTORS
MARK MIRVIS AND MARK
LUPOLOVER FRAUDULENTLY
CONVEYED TO OR OTHERWISE IN
THE POSSESSION OF TATYANA A/K/A
TANYA MIRVIS, LYUBOV MIRVIS AND
ALEXANDER BORISKIN**

PLEASE TAKE NOTICE that upon the annexed Declaration of Daniel S. Marvin, Esq., dated November 17, 2017, and exhibits attached thereto, Affidavit of Peter A. Smerick, sworn on November 15, 2017, and exhibits attached hereto, the accompanying Memorandum of Law in support of this motion, and upon all prior pleadings and proceedings herein, Plaintiffs-Judgment Creditors Allstate Insurance Company, Allstate Indemnity Company, Deerbrook Insurance Company, Allstate New Jersey Insurance Company, and Allstate Property & Casualty Insurance Company ("Plaintiffs") will move this Court before the Honorable Sterling L. Townes, at the United States Courthouse, 225 Cadman Plaza E, Brooklyn, NY 11201, Courtroom 4B S, for an Order pursuant to Rule 69 of the Federal Rules of Civil Procedure, Section 5225(b) of the New York Civil Practice Law and Rules, and Sections 273-a, 276, 276-a and 278 of the New York Debtor and Creditor Law, directing garnishee HSBC Bank, N.A. to turnover \$45,155.81 and \$97,990.93 held in two accounts in the name of non-party Tatyana a/k/a Tanya Mirvis ("T. Mirvis"), designated by account numbers ending in -3710 and -9713, respectively; (2) directing garnishee TD Bank, N.A. to turnover \$2,902.37 and \$28,446.54 held in two accounts in the names of T. Mirvis and non-party Lyubov Mirvis, and T. Mirvis and non-party Alexander Boriskin,

designated by account numbers ending in -0319 and -8848, respectively; (3) directing garnishee Capital One, N.A. to turnover \$280.55 and \$824.43 in two accounts in the name of T. Mirvis, designated by account numbers ending in -5283 and -9992; and (4) entering a judgment against T. Mirvis in the amount of \$52,801.75, along with prejudgment interest and attorneys' fees.

Dated: November 17, 2017
New York, New York

Respectfully submitted,

MORRISON MAHONEY LLP

By: /s/Daniel S. Marvin
Robert A. Stern, Esq.
Daniel S. Marvin, Esq.
Andrew S. Midgett, Esq.
120 Broadway, Suite 1010
New York, New York 10271
Phone: 212-825-1212
Fax: 212-825-1313

**CADWALADER, WICKERSHAM &
TAFT LLP**

By: /s/ William Natbony
William J. Natbony, Esq.
One World Financial Center
New York, New York 10281
Phone: 212-504-6531

*Attorneys for Plaintiffs-Judgment
Creditors Allstate Insurance Company,
Allstate Indemnity Company, Allstate
Property & Casualty Insurance Company,
Allstate New Jersey Insurance Company,
and Allstate Fire & Casualty Insurance
Company*